

Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations)
(Pleasanton, Kansas))
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations)
(Topeka, Iola and Emporia, Kansas))
)

MM Docket No. 98-9
RM-9216

MM Docket No. 98-13
RM-9212

TO: Chief, Allocations Branch
Mass Media Bureau

STATEMENT IN SUPPORT OF MOTION FOR DECISION

Innovative Broadcasting Corporation ("Innovative"), by its attorney, hereby respectfully supports the Motion for Decision, filed in this proceeding on September 18, 2000, by Shawnee Broadcasting Corporation ("Shawnee"). In support thereof, it is alleged:

1. By Motion for Decision, filed in this proceeding on September 18, 2000, Shawnee points out that this proceeding has been ripe for a decision since April of 1998. Shawnee, therefore, asks the FCC staff to issue a decision and bring the matter to a close. For the reasons discussed, infra, Innovative strongly supports the relief requested by Shawnee.

2. Innovative is the licensee of several stations, including FM Broadcast Station KHST, which operates on Channel 269 at Lamar, Missouri, and FM Broadcast Station KSEK, which operates on Channel 256 at Girard, Kansas. An opportunity exists to upgrade the facilities of Station

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KSEK from 3 kW to 6 kW and the potential exists to upgrade the facilities of KHST from Class A facilities to Class C3 facilities. However, the allocation of Channel 268C3 to Pleasanton presents an obstacle to the upgrade at Lamar because, operating as a Class C3 facility on its present channel, 269, Lamar would be short spaced to a Channel 268C3 allotment at Pleasanton. Therefore, Innovative cannot apply for a Class C3 facility at Lamar until such time as the Commission determines whether or not to allocate Channel 268C3 to Pleasanton.

3. These proceedings also impact Station KSEK, Girard, Kansas. This is so because a 6 kW upgrade of the KSEK facilities on Channel 256 would currently be in conflict with the operations of Station KIKS-FM in Iola, Kansas, operating on its present channel, i.e., Channel 257. The reallocation of Channel 257 to Channel 268 removes that problem and, accordingly, Innovative supports the Commission's proposal to modify the license of the Iola station to specify operation on Channel 268 instead of Channel 257.

4. As to Pleasanton, Innovative respectfully points out that the "expression of interest" filed by the city attorney in the proceedings in Docket 98-9 indicated that the city would promptly apply for Channel 268C3 if that channel was allotted to Pleasanton. Contrary to the instructions set forth in the appendix to the rule making, the city attorney did not specify that, if granted a construction permit, the city would promptly construct the station. Technically, therefore, the expression of interest in Channel 268C3 was defective. Nonetheless, Innovative has no objection to the specification of a different, alternative channel at Pleasanton.

5. Whatever the case, the delay in the issuance of a decision in this matter creates a problem for both Shawnee and Innovative. Potential upgrades possibly exist for two of Innovative's stations and for Shawnee's station at Topeka. These upgrades have the potential to substantially

improve the service rendered to the public by the stations involved. Therefore, the public interest would be served by the issuance of a prompt decision, so that Shawnee's upgrade at Topeka can be implemented and Innovative can proceed with plans to upgrade its facilities at Girard and Lamar.

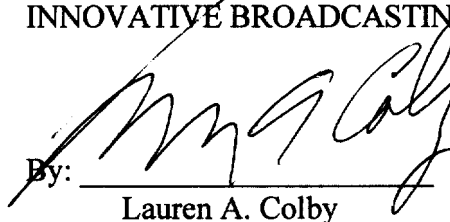
6. As Shawnee points out, this case has been ripe for decision for more than two years. It is not a very complicated proceeding and should not consume an undue amount of time for the FCC to make a decision one way or another. Therefore, Innovative joins with Shawnee in requesting a prompt decision.

Respectfully submitted,

September 27, 2000

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CERTIFICATE OF SERVICE

I, Traci Maust, a secretary in the law office of Lauren A. Colby, do hereby certify that copies of the foregoing have been sent via first class, U.S. mail, postage prepaid, this 27th day of September, 2000, to the offices of the following:

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